

Amendment in the Nature of a Substitute
Engrossed Version of B24-0760
December 20, 2022

A BILL

24-760

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Firearms Control Regulations Act of 1975 to clarify requirements involving ghost guns and permit the possession of properly serialized self-manufactured firearms that are not otherwise prohibited, to regulate carrying of firearms by off-duty law enforcement officers, and to expand the prohibition on carrying a pistol while impaired; and to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, to apply the same rules to stay-away orders that apply to orders prohibiting assault, harassment, stalking, and threats, to clarify restrictions on the lawful transportation of firearms, and to authorize and limit the carrying of pistols by off-duty law enforcement officers, other United States officers and employees while on duty, manufacturers, and those transporting firearms for limited purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Firearm and Ghost Gun Clarification Amendment Act of 2022”.

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (9B) is amended to read as follows:

“(9B)(A) “Frame” or “receiver” means a part of a firearm that, when the complete weapon is assembled, is visible from the exterior and provides the housing or structure designed

to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure.

“(B) For the purposes of this paragraph, the term “fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, and includes a hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

“(C)(i) For a firearm model that has multiple parts that could be deemed a “frame” or “receiver” under subparagraph (A) of this paragraph, the term “frame” or “receiver” shall not include “non-primary frames” or “non-primary receivers”.

“(ii) A part that would otherwise be deemed a “frame” or “receiver” under subparagraph (A) of this paragraph shall be deemed a “non-primary frame” or “non-primary receiver” if federal law:

“(I) Does not require serialization of that part; and

“(II) Requires serialization of another part that is a frame or receiver, as those terms are defined in this section.

“(D)(i) The term “frame” or “receiver” shall not include a frame or receiver that has been destroyed.

“(ii) For the purposes of this subparagraph, a frame or receiver is destroyed if it has been permanently altered not to provide housing or a structure that may hold or integrate any fire control or essential internal component, and may not readily be assembled, completed, converted, or restored to a functional state.”.

(2) Paragraph (9C) is amended to read as follows:

“(9C)(A) “Ghost gun”:

60 “(i) Means any of the following:

61 “(I) Any firearm that, after the removal of grips, stocks, and
62 magazines, is not as detectable as the Security Exemplar by walk-through metal detectors
63 calibrated and operated to detect the Security Exemplar;

64 “(II) Any major component of a firearm that, when subjected
65 to inspection by the types of detection devices commonly used at secure public buildings and
66 transit stations, does not generate an image that accurately depicts the shape of the component; or

67 “(III) Any firearm, including a frame or receiver, that lacks
68 a unique serial number engraved or cast on it by a licensed manufacturer or importer in accordance
69 with federal law, assigned by the agency of a State and permanently engraved or cast on the
70 firearm, or otherwise placed on the firearm in compliance with section 202; and

71 “(ii) Does not include:

72 “(I) Any firearm that has been rendered permanently
73 inoperable;

74 “(II) Any firearm manufactured or imported before
75 December 16, 1968; or

76 “(III) Any firearm identified as provided for under section
77 5842 of the Internal Revenue Code of 1986.

78 “(B) For the purposes of subparagraph (A)(i)(I) of this paragraph, the term
79 “firearm” does not include the frame or receiver of any such weapon.

80 “(C) For the purposes of subparagraph (A)(i)(II) of this paragraph, the term
81 “major component” with respect to a firearm:

“ (i) Means the slide or cylinder or the frame or receiver of the
firearm; and

“ (ii) In the case of a rifle or shotgun, includes the barrel of the
firearm.”.

(3) A new paragraph (9D) is added to read as follows:

“(9D) “Intrafamily offense” shall have the same meaning as provided in D.C.
Official Code § 16-1001(8).”.

(4) A new paragraph (10A) is added to read as follows:

“(10A) “Manufacture”:

“(A) Means:

“(i) To fabricate, make, form, produce, or construct, by manual labor
or by machinery;

“(ii) To assemble a functional firearm; or

“(iii) To mold, machine, or 3D print a frame or receiver; and

“(B) Does not include making or fitting special barrels, stocks, or trigger
mechanisms to firearms.”.

(5) A new paragraph (11A) is added to read as follows:

“(11A) “Permanently inoperable” means incapable of discharging a shot by means
of an explosive and incapable of being readily restored to a firing condition.”.

(6) Paragraph (17B) is repealed.

(b) Section 201(b)(1) (D.C. Official Code § 7-2502.01(b)(1)) is amended to read as
follows:

“(1)(A) Qualified law enforcement officers, as that phrase is defined in 18 U.S.C. § 926B(c) and (f), who are carrying the identification required by 18 U.S.C. § 926B(d);

“(B) Qualified retired law enforcement officers, as that phrase is defined in 18 U.S.C. §926C(c) and (e)(2), who are carrying the identification required by 18 U.S.C. § 926C(d);

“(C) Members of the Army, Navy, Air Force, or Marine Corps of the United States, or of the National Guard or Organized Reserves, when on duty and duly authorized to carry a firearm; ~~and~~

“(D) Officers or employees of the United States ~~not mentioned in subparagraph (A) or (C) of this paragraph~~, when duly authorized to carry a firearm; and.”.

“(E) State law enforcement officers who lawfully enter the District of Columbia in hot pursuit of a person suspected of having committed a crime.”.

(c) Section 202 (D.C. Official Code § 7-2502.02) is amended by adding a new subsection (c) to read as follows:

“(c)(1) Notwithstanding subsection (a)(5) of this section, a registration certificate may be issued for a self-manufactured firearm that is not prohibited under subsection (a)(1) through (4) or (6) through (8) of this section if:

“(A) The applicant meets the requirements of section 203; and

“(B) A unique serial number is engraved or cast on, or otherwise permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 U.S.C. § 923(i) and regulations issued pursuant thereto; provided, that a serial number or mark of identification

exceeds these requirements if the engraving, casting, or stamping (impressing) of the serial number exceeds the required minimum depth or exceeds the minimum print size of that provision.

“(2)(A) An applicant who meets the requirements of section 203 may register a self-manufactured firearm that does not bear a serial number as described in paragraph (1)(B) of this subsection, if, prior to finishing the frame or receiver, the applicant has caused a unique serial number to be engraved, casted, stamped (impressed), or placed on the frame or receiver, as set forth in subparagraphs (B) and (C) of this paragraph.

“(B) The serial number shall consist of the first and last name of the self-manufacturer, followed by the designation “DC” and then a set of 2 to 5 numbers.

“(C) The set of numbers described in subparagraph (B) of this paragraph shall not duplicate any serial number placed by the self-manufacturer on any other firearm. The applicant shall, before engraving, casting, stamping (impressing), or placing a serial number on the frame or receiver, confirm with the Metropolitan Police Department that the proposed serial number has not already been registered to another firearm.”.

(d) Section 203(b)(10) (D.C. Official Code § 7-2502.03(b)(10)) is amended by striking the phrase “The name” and inserting the phrase “For a firearm that is not self-manufactured pursuant to section 202, the name” in its place.

(e) Section 206 (D.C. Official Code § 7–2502.06) is amended by adding a new subsection (c) to read as follows:

“(c) Notwithstanding subsection (a) of this section, a person seeking a registration certificate for a firearm that the person has self-manufactured shall file a registration application within 5 business days after completing manufacture of the firearm.”.

(f) Section 401(a) (D.C. Official Code § 7-2504.01(a)) is amended to read as follows:

“(a) No person or organization shall engage in the business of manufacturing any firearm, destructive device or parts thereof, or ammunition, within the District; provided, that:

“(1) Nothing in this section shall preclude persons not otherwise prohibited from possessing firearms from making their own firearms solely for personal use (not for sale or distribution) in accordance with this act, rules implementing this act, and any applicable federal law or regulation; and

“(2) A person holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for the person’s registered firearms; provided, that such person may not hand load, reload, or custom load ammunition for others.”.

(g) Section 408(a) (D.C. Official Code § 7-2504.08(a)) is amended as follows:

(1) Strike the phrase “No licensee” and insert the phrase “No person or organization” in its place

(2) Strike the phrase “firearm which” and insert the phrase “firearm, including a frame or receiver, which” in its place.

(h) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “ghost gun, unfinished frame or receiver, or ammunition” and inserting the phrase “ghost gun, or ammunition” in its place.

(i) Section 504 (D.C. Official Code § 7-2505.04) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Notwithstanding any other provision of this section, a person may lawfully:

“(1) Self-manufacture a pistol; and

“(2) Possess and own a pistol that the person self-manufactured pursuant to paragraph (1) of this subsection and registered pursuant to section 202.”.

(j) Section 801(3)(B) (D.C. Official Code § 7-2508.01(3)(B)) is amended to read as follows:

“(B) A conviction for violating section 201, 401, 501, 601, or 906, or an attempt or conspiracy to commit any of those offenses;”.

(k) Section 906(b) (D.C. Official Code § 7-2509.06(b)) is amended by striking the phrase “A licensee shall not” and inserting the phrase “No person shall” in its place.

(l) Section 907(b) (D.C. Official Code § 7-2509.07(b)) is amended to read as follows:

(b) “Except to the extent of any inconsistency with ~~as provided in~~ 18 U.S.C. §§ 926B and 926C, the carrying of a concealed pistol:

“(1) On private residential property shall be presumed to be prohibited unless otherwise authorized by the property owner or person in control of the premises and communicated personally to the licensee in advance of entry onto the residential property;

“(2) In a church, synagogue, mosque, or other place where people regularly assemble for religious worship shall be presumed to be prohibited unless the property is posted with conspicuous signage allowing the carrying of a concealed pistol, or the owner or authorized agent communicates such allowance personally to the licensee in advance of entry onto the property; provided, that such places may not authorize the carrying of a concealed pistol where services are conducted in locations listed in subsection (a) of this section; and

“(3) On private property that is not a residence shall be presumed to be permitted unless the property is posted with conspicuous signage prohibiting the carrying of a concealed pistol, or the owner or authorized agent communicates such prohibition personally to the licensee.”.

Sec. 3. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*) is amended as follows:

(a) Section 1(2B) (D.C. Official Code § 22-4501(2B)) is amended is amended by striking the phrase “section 101(9B) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B))” and inserting the phrase “section 101(~~9D~~9C) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9C))” in its place.

(b) Section 3(a)(5)(B) (D.C. Official Code § 22-4503(a)(5)(B)) is amended to read as follows:

“(B) Restrains the person from assaulting, harassing, stalking, or threatening any person named in the order, or requires the person to stay away from, or have no contact with, any other person or a location; and”.

(c) Section 4b (D.C. Official Code § 22-4504.02) is amended as follows:

(1) The section heading is amended by striking the phrase “Lawful transportation of” and inserting the phrase “Transportation of” in its place.

(2) Subsection (a) is amended to read as follows:

“(a) A person may not transport a firearm unless the person:

“(1) Is not otherwise prohibited by law from transporting, shipping, or receiving the firearm;

215 “(2) Is transporting the firearm for a lawful purpose from a place where the person
216 may lawfully possess and carry the firearm to another place where the person may lawfully possess
217 and carry the firearm; and

218 “(3) Transports the firearm in accordance with this section.”.

219 (3) New subsections (d), (e), and (f) are added to read as follows:

220 “(d) The requirements of subsection (b) of this section shall not apply to a person who has
221 a license to carry a pistol concealed upon their person pursuant to section 6, and who is transporting
222 the firearm concealed upon their person.

223 “(e) The requirements of subsection (c) of this section shall not apply to a person who has
224 a license to carry a pistol concealed upon their person pursuant to section 6, and who is transporting
225 the firearm concealed upon their person.

226 “(f) Prosecutions for violations of this section shall be brought by the Attorney General for
227 the District of Columbia in the name of the District of Columbia.”.

228 (d) Section 5 (D.C. Official Code § 22-4505) is amended to read as follows:

229 “Sec. 5. Exceptions to section 4.

230 “(a) The provisions of section 4(a), as they pertain to a pistol, and (a-1), shall not apply to:

231 “(1) A person engaged in the business of manufacturing, repairing, or dealing in
232 firearms, and their agents, employees, and representatives, who possess, carry, or use a pistol in
233 the ordinary course of that business; or

234 “(2) Any person while carrying a pistol, transported in accordance with section 4b:

235 “(A) From the place of purchase to the person’s home or place of business;

236 “(B) To a place of repair, or back from that place to the person’s home or
237 place of business;

238 “(C) While moving goods from one place of abode or business to another;
239 or

240 “(D) To or from any lawful recreational firearm-related activity.

241 “(b) The provisions of section 4(a) and (a-1); shall not apply to:

242 “(1) The concealed carrying of a firearm by a Qqualified law enforcement officers
243 who is ~~are~~ carrying the identification required by 18 U.S.C. § 926B(d);

244 “(2) The concealed carrying of a firearm by a Qqualified retired law enforcement
245 officers who is ~~are~~ carrying the identification required by 18 U.S.C. § 926C(d);

246 “(3) Members of the Army, Navy, Air Force, or Marine Corp of the United States,
247 or of the National Guard or Organized Reserves, when on duty and duly authorized to carry a
248 firearm; and

249 “(4) Officers or employees of the United States ~~not otherwise described in~~
250 ~~paragraph (1) or (3) of this subsection~~, when duly authorized to carry a firearm.

251 ~~“(c) The provisions of section 4(a), to the extent that they pertain to a firearm described in~~
252 ~~18 U.S.C. § 926C(a), shall not apply to a police officer who has retired from the Metropolitan~~
253 ~~Police Department, if the police officer:~~

254 ~~“(1) Is a qualified retired law enforcement officer who is carrying the identification~~
255 ~~required by 18 U.S.C. § 926C(d);~~

256 ~~“(2) Has registered the firearm; and~~

257 ~~“(3) Has concealed the firearm on or about the officer.~~

258 “(c) For the purposes of this section, the term:

259 “(1) “Qualified law enforcement officer” shall have the same meaning as provided
260 in 18 U.S.C. § 926B(c) and (f).

261 “(2) “Qualified retired law enforcement officer” shall have the same meaning as
262 provided in 18 U.S.C. § 926C(c) and (e)(2).

263 “(3) “Recreational firearm-related activity” includes a firearms training and safety
264 class.”.

265 ~~(de)~~ A new section 5a is added to read as follows:

266 “Sec. 5a. Off-duty law enforcement officers carrying restrictions.

267 “(a) Notwithstanding section 5 or any other law, no off-duty law enforcement officer shall
268 carry any firearm, openly or concealed, in the following locations or under the following
269 circumstances:

270 “(1) A building or office occupied by the District of Columbia, its agencies, or its
271 instrumentalities;

272 “(2) A District government property or park;

273 “(3) Any private residential property other than the officer’s own residence, if:

274 “(A) The property displays clear and conspicuous signage indicating that
275 firearms are prohibited; or

276 “(B) The property owner or person in control of the premises directly
277 communicates, orally or in writing, to the law enforcement officer in advance of entry onto the
278 residential property that the carrying of pistols is prohibited;

279 “(4) Any private property that does not belong to the law enforcement officer and
280 that is not a residence, including private property open to the public, if:

281 “(A) The property is posted with conspicuous signage prohibiting the
282 carrying of a pistol; or

283 “(B) The owner or authorized agent personally communicates to the law
284 enforcement officer that the carrying of pistols is prohibited; and

285 “(5) In a church, synagogue, mosque, or other place where people regularly
286 assemble for religious worship, and that is not otherwise covered by paragraph (1) or (2) of this
287 subsection, if:

288 “(A) The property is posted with conspicuous signage prohibiting the
289 carrying of a pistol; or

290 “(B) The owner or authorized agent communicates to the law enforcement
291 officer that carrying a pistol is prohibited.

292 “(b) For the purposes of this section:

293 “(1) A law enforcement officer shall be off-duty when the officer is not performing
294 an official duty for the governmental agency that authorizes the officer to carry a firearm; and

295 “(2) A Metropolitan Police Department officer’s authorized service weapon
296 includes the officer’s authorized off-duty service weapon.

297 “(c) This section shall not apply to the carrying of authorized service weapons by:

298 “(1) Law enforcement officers employed by the District, including members of the
299 Metropolitan Police Department; or

300 “(2) An officer, agent, or employee of the United States, a State, or political
301 subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection,
302 investigation, or prosecution of any violation of law and who is engaged in the lawful performance
303 of their official duties, including travel to or from any official activity and participation in an
304 authorized honor guard.”.

305 Sec. 4. The Ghost Gun Clarification Temporary Amendment Act of 2022, enacted on
306 November 1, 2022 (D.C. Act 24-611; ___ DCR ___), is repealed.

307 Sec. 5. Fiscal impact statement.

308 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
309 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
310 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

311 Sec. 6. Effective date.

312 This act shall take effect following approval by the Mayor (or in the event of veto by the
313 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
314 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
315 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
316 Columbia Register.